

Appln. No. 10/711,302
Docket No. 132673/GIN-0010

REMARKS / ARGUMENTS

Status of Claims

Claims 1-18 are pending in the application. Claims 1-5, 11-13, 15 and 16 stand rejected. Claims 6-10, 14, 17 and 18 are objected to as being dependent upon a rejected claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant appreciates the Examiner's notation of the allowable claims. Applicant has amended Claims 1 and 12, has canceled Claims 5 and 16, and has added new Claims 19 and 20, leaving Claims 1-4, 6-15, 17-20 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

Rejections Under 35 U.S.C. §102(e)

Claims 1-3, 5, 11-13 and 16 stand rejected under 35 U.S.C. §102(e) as being anticipated by German et al. (U.S. Patent No. 6,983,385, hereinafter German).

Applicant traverses this rejection for the following reasons.

Applicant respectfully submits that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, *in a single prior art reference.*" *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the *** claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Furthermore, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference.

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Titanium Metals Corp. v. Banner, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Dependent claims inherit all of the limitations of the respective parent claim.

Regarding Independent Claim 1

Applicant has canceled Claim 5 and has amended Claim 1 as set forth above to include limitations from Claim 5. In addition, Applicant has added clarifying language to the original language of Claim 5 (now incorporated into Claim 1) to more particularly describe the voltage signals arising out of the logic circuit of Figure 3 and the logic table of Figure 4. As set forth above, Claim 1 now recites, inter alia,

“...wherein the first voltage signal has a first voltage value in response to one keypin being attached at the first location, and does not have the first voltage value in response to the one keypin being attached at the first pin location and another keypin being attached at the second pin location; and

wherein the second voltage signal has a second voltage value in response to one keypin being attached at the second location, and does not have the second voltage value in response to the one keypin being attached at the second location and another keypin being attached at the first pin location.”

No new matter has been added by this amendment as antecedent support may be found in the specification as originally filed, such as at Figures 3 and 4, for example.

In alleging anticipation of Claim 5 (now incorporated into Claim 1), the Examiner referenced German at Col. 7, lines 3-20, and Col. 7 line 61 through Col. 8 line 12. Paper 20061107, page 4.

In respectful disagreement with the Examiner, Applicant finds German to disclose the condition “when keying mechanism 219 is installed in first key opening 205... to allow the use of a mezzanine card designed to operate using first operating voltage 218” (col. 7, lines 4-18), and to disclose the condition “when keying mechanism 219 is installed in second key opening 207... to allow the use of a mezzanine card designed to operate using second operating voltage 220” (col. 7 line 62 through col. 8 line 9). Here, Applicant finds German to be silent on what voltage card is allowed in response to the

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keying mechanism 219 being installed *at both openings 205 and 207*. At column 7 line 12, and at column 8 line 3, German describes how a "logic low" results when a keying mechanism is installed, which indicates the presence of a certain keying mechanism for allowing the use of a certain voltage mezzanine card. However, nowhere does Applicant find where German discloses the control logic for handling the insertion of keying mechanisms *in two locations*.

Accordingly, Applicant submits that German is absent a teaching of each and every element of the claimed invention arranged as claimed, and therefore cannot be anticipatory.

Regarding Independent Claim 12

Applicant has canceled Claim 16 and has amended Claim 12 to incorporate the language of Claim 16, and to further include clarifying language similar to that described above in connection with Claims 1 and 5.

For all the reasons set forth above regarding amended Claim 1, Applicant submits that amended Claim 12 is likewise not anticipated by German, as German is absent a teaching of each and every element of the claimed invention arranged as claimed.

In view of the amendment and foregoing remarks, Applicant submits that German does not disclose each and every element of the claimed invention arranged as claimed and therefore cannot be anticipatory. Accordingly, Applicant respectfully submits that the Examiner's rejections under 35 U.S.C. §102(e) have been traversed, and requests that the Examiner reconsider and withdraw of these rejections.

Rejections Under 35 U.S.C. §103(a)

Claims 4 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over German in view of Jinnouchi (U.S. Patent No. 6,697,883, hereinafter Jinnouchi).

Applicant traverses these rejections for the following reasons.

Applicant respectfully submits that the obviousness rejection based on the References is improper as the References fail to teach or suggest each and every element

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of the instant invention in such a manner as to perform as the claimed invention performs. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

The Examiner acknowledges that German is deficient in anticipating the claimed invention, and looks to Jinnouchi to cure these deficiencies.

Dependent claims inherit all of the limitations of the respective parent claim and any intervening claim.

Claims 4 and 15 are dependent from Claims 1 and 12, respectively.

Applicant submits that for at least the reasons relating to the aforementioned amendments and remarks regarding allowability of now amended Claims 1 and 12, dependent claims 4 and 15 are now allowable, and respectfully requests that the Examiner reconsider and withdraw these rejections.

In light of the forgoing, Applicant submits that the Examiner's rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) have been traversed, and respectfully requests that the Examiner reconsider and withdraw these rejections.

Regarding New Claims 19 and 20

Applicant has rewritten original Claim 10 in independent form as Claim 19, and has rewritten original Claim 18 in independent form as Claim 20. In light of original Claims 10 and 18 being identified as allowable, Applicant submits that new Claims 19 and 20 are allowable, and respectfully requests notice thereof.

If a communication with Applicant's Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any such issues may be promptly resolved.

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The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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